

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CMG WORLDWIDE, INC., and)
MARILYN MONROE, LLC,)
)
Plaintiffs,)
)
v.)
)
BRADFORD LICENSING ASSOCIATES,)
THE SHAW FAMILY ARCHIVES, LTD.,)
and JAMES E. DOUGHERTY,)
)
Defendants.)

CASE NO. 1:05-cv-0423-DFH-WTL

**DEFENDANT SHAW FAMILY ARCHIVES’
12 (B)(2) MOTION TO DISMISS PLAINTIFFS’ COMPLAINT FOR
LACK OF PERSONAL JURISDICTION OR ALTERNATIVELY TO TRANSFER**

Defendant, Shaw Family Archives, Ltd (“Shaw Family Archives”), by counsel, pursuant to Rule 12(B)(2) of the Federal Rules of Civil Procedure and 28 U.S.C. 1404(a) respectfully moves the Court to dismiss Plaintiffs’ Complaint as to Shaw Family Archives for lack of personal jurisdiction or in the alternative to transfer this matter to the United States District Court for the Southern District of New York and in support states:

1. Shaw Family Archives is a New York business entity with its primary place of business located in New York.
2. Shaw Family Archives contacts with Indiana, if any, are and have been limited and do not relate to the transactions at issue in this lawsuit.
3. Shaw Family Archives does not have sufficient contacts with Indiana such that the exercise of jurisdiction over it comports with due process.
4. The exercise of jurisdiction over Shaw Family Archives would be unreasonable under the circumstances.

5. Additionally, the balances of conveniences under 28 U.S.C. § 1404(a) dictate that the United States District Court for the Southern District of New York (the “New York Court”) is the proper forum to hear the issues presented in this lawsuit. Accordingly, in the alternative this matter should be transferred to the New York Court.

6. In support of this Motion, Shaw Family Archives submits its Memorandum of Law in Support of Its Motion to Dismiss or Alternatively to Transfer.

WHEREFORE, Defendant, Shaw Family Archives, Ltd., respectfully requests that this Court dismiss Plaintiffs’ Complaint for lack of personal jurisdiction pursuant to Rule 12(B)(2) of the Federal Rules of civil Procedure or in the alternative transfer this matter to the United States District Court for the Southern District of New York and for all other just and appropriate relief.

Respectfully submitted,

/s/Hamish S. Cohen

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document has been served on the following via the Court's electronic filing system this 27th day of May 2005:

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